

RCRA REVISION CHECKLIST 124

Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes
Whose Treatment Standards Were Vacated58 FR 29860-29887

May 24, 1993

(RCRA Cluster III, HSWA provisions)

Note: This Revision Checklist amends the treatment standards under the land disposal restrictions program for certain wastes displaying the characteristics of ignitability (EPA Hazard Code D001) and corrosivity (EPA Hazard Code D002). The treatment standards for these wastes were vacated by the September 25, 1992, decision of the U.S. Court of Appeals [Chemical Waste Management vs. EPA, 976 F.2d 2 (D.C. Cir. 1992)]. Without this replacement of these standards, land disposal of these wastes would be prohibited.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
PURPOSE, SCOPE AND APPLICABILITY						
change "." to ","; add phrase regarding compliance with 264.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove the characteristic before land disposal	264.1(g)(6)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

change "." to ","; add phrase regarding compliance with 265.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove characteristic before land disposal

265.1(c)(10)

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

1 PURPOSE, SCOPE AND APPLICABILITY

add new paragraph; *de minimis* losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable or corrosive, and that contain underlying hazardous constituents as defined in 268.2, are not considered to be prohibited wastes; *de minimis* defined

268.1(e)(4)

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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add new paragraph; land disposal prohibitions do not apply to laboratory wastes displaying the characteristic of ignitability or corrosivity that are commingled with other plant wastewaters under designated circumstances: such wastes at facilities whose ultimate discharge is subject to regulation under the CWA, provided the annualized flow of laboratory wastewater into facility's headwork does not exceed 1%, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork	268.1(e)(5)					
DEFINITIONS APPLICABLE IN THIS PART						
add new paragraph; definition of "underlying hazardous constituent"	268.2(i)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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WASTE ANALYSIS AND RECORDKEEPING

	in two places, delete "of this part," after "268.32"; add "of this chapter" after "appendix II" and after "subpart C"; add sentence at end regarding what the generator must do if he determines that his waste displays characteristic of ignitability or corrosivity and is prohibited under 268.37	268.7(a)				
2	change "F039 and" to "F039,"; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(a)(1)(ii)				
2	change "F039 and" to "F039,"; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(b)(4)(ii)				

SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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add new sentence at end; if generator determines that his waste displays characteristic of ignitability (and is not in the High TOC Ignitable Liquid Subcategory or is not treated by INCIN, FSUBS or RORGS of § 268.42, Table 1) or corrosivity and is prohibited under 268.37, generator must determine what underlying hazardous characteristics are reasonably expected to be present in the waste	268.9(a)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

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SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS--IGNITABLE AND CORROSIVE CHARACTERISTIC WASTES WHOSE TREATMENT STANDARDS WERE VACATED

effective August 9, 1993, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems other than those whose discharge is regulated under the CWA or that inject in Class I deep wells regulated under the SDWA or are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal; CWA-equivalent treatment defined	268.37(a)					
effective February 10, 1994, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems defined in 40 CFR 144.6(e) and 146.6(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection are prohibited from land disposal	268.37(b)					

SUBPART D - TREATMENT STANDARDS

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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APPLICABILITY OF TREATMENT STANDARDS

add commas before and after "or hazardous debris for which a treatment technology is specified under § 268.45"; add sentence at end--for waste displaying characteristic of ignitability and reactivity that are diluted to meet deactivation treatment standard in 268.42(a) Tables 1 & 2, the treater must comply with precautionary measures specified in 264.17(b) and 265.17(b)	268.40(b)					
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TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

revise Table CCWE entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCW"	268.41(a), Table CCWE					
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TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

Revise Table 2 as shown at 58 <u>FR</u> 29886	268.42(a), Table 2					
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TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

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revise Table CCW entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCWE"	268.43(a), Table CCW					

PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART D - CHANGES TO PERMIT

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

remove second item designated as B(1)(b); redesignate item B(1)(c) as B(1)(d); add new B(1)(c) as shown at 58 FR 29887	270.42 Appendix I					
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1 There is a typographical error in title of this section as printed in the Federal Register; "scope/and" should be "scope and". States should retain the correct title as it appears in the CFR.

- 2 There is a typographical error in the Federal Register; "reactive cyanides" should appear in italic type as it does in the CFR.